

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JEFFREY LAKE DEVELOPMENT, and )  
MIDWAY WILDLIFE & )  
RECREATIONAL CLUB, ) 7:05CV5013  
)  
Plaintiffs, )  
)  
v. ) MEMORANDUM AND ORDER  
)  
CENTRAL NEBRASKA PUBLIC )  
POWER & IRRIGATION DISTRICT, )  
)  
Defendant. )  
\_\_\_\_\_  
)

Before the court is the report and recommendation of United States Magistrate Judge Thomas D. Thalken (Filing No. 11) recommending that the plaintiff's Motion to Remand (Filing No. 6) be granted and actual expenses in the amount of \$570.00 be assessed against the defendant.

No objection has been filed to the report and recommendation. Pursuant to NECivR 72.3 and 28 U.S.C. § 636(b)(1)(C), the court has conducted a de novo review of the record and adopts the report and recommendation in its entirety.

THEREFORE, IT IS HEREBY ORDERED that:

1. The magistrate's report and recommendation (Filing No. 11) is adopted in its entirety.
2. The defendant is hereby ordered to pay \$570.00 in actual expenses in the form of attorney fees as a result of the removal.
3. This case is hereby remanded to state court.

Dated this 4th day of November, 2006.

BY THE COURT:

s/ Joseph F. Bataillon  
JOSEPH F. BATAILLON